

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

PREMIER ELECTRONICS, L.L.C,	)	
	)	
Plaintiff,	)	CASE NO. 3:18-cv-2036-S
v.	)	
	)	
ADT LLC,	)	
	)	
Defendant.	)	
	)	

**DEFENDANT ADT LLC’S OBJECTIONS TO PREMIER ELECTRONICS, LLC’S  
RULE 26(a)(3)(A) PRETRIAL DISCLOSURES**

Pursuant to the Agreed Scheduling Order [ECF No. 18], Defendant ADT LLC objects as follows to Plaintiff Premier Electronics, LLC’s Rule 26(a)(3)(A) Pretrial Disclosures:

**A. PREMIER’S TRIAL WITNESSES**

Witness	ADT’s Objections
<b>Premier Employees and Former Employees</b>	
Shawn Griffith	<ul style="list-style-type: none"><li>▪ Objection to the extent that witness testimony exceeds the scope of permissible claims and damages in light of Court Order Granting ADT’s Motion to Strike Supplemental Report [ECF No. 54] and Order Granting in Part ADT’s Motion for Summary Judgment [ECF No. 56].</li></ul>
Terry Day	<ul style="list-style-type: none"><li>▪ Scope of witness’ knowledge and testimony undisclosed in Premier’s Rule 26 Initial Disclosures</li><li>▪ Witness’ testimony is duplicative of other Premier employees and former employees proffered</li></ul>
Chris Cahill	<ul style="list-style-type: none"><li>▪ Scope of witness’ knowledge and testimony undisclosed in Premier’s Rule 26 Initial</li></ul>

Disclosures

- Witness' testimony is duplicative of other Premier employees and former employees proffered

Doug Danley

- Witness undisclosed in Premier's Rule 26 Initial Disclosures
- Witness' testimony is duplicative of other Premier employees and former employees proffered

Dave Tillotson

- Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures
- Witness' testimony is duplicative of other Premier employees and former employees proffered

Ronnie Jones

- Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures
- Witness' testimony is duplicative of other Premier employees and former employees proffered

Melissa Dickerson

- Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures
- Witness' testimony is duplicative of other Premier employees and former employees proffered

**ADT Employees and Former Employees**

Jack Teel (ADT)

- Witness undisclosed in Premier's Rule 26 Initial Disclosures
- Witness testimony is irrelevant to Premier's claims and/or ADT's defenses
- Testimony sought by Premier is prohibited by Federal Rule of Evidence 408

**Phillips Creek Ranch Homeowners**

- |                              |   |
|------------------------------|---|
| Wafer Gamil (will call)      | <ul style="list-style-type: none"><li>▪ Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures</li><li>▪ Witness undisclosed in Premier's applicable discovery responses</li></ul>  |
| Thomas Pritchard (will call) | <ul style="list-style-type: none"><li>▪ Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures</li><li>▪ Witness undisclosed in Premier's applicable discovery responses</li><li>▪ Witness' testimony is duplicative of other Phillips Creek Ranch homeowners proffered</li><li>▪ Witness' proposed testimony is irrelevant to Premier's claims or ADT's defenses</li></ul> |
| Elaine Roberts (will call)   | <ul style="list-style-type: none"><li>▪ Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures</li><li>▪ Witness undisclosed in Premier's applicable discovery responses</li><li>▪ Witness' testimony is duplicative of other Phillips Creek Ranch homeowners proffered</li><li>▪ Witness' proposed testimony is irrelevant to Premier's claims or ADT's defenses</li></ul> |
| Jason Landkamer (will call)  | <ul style="list-style-type: none"><li>▪ Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures</li><li>▪ Witness undisclosed in Premier's applicable discovery responses</li><li>▪ Witness' testimony is duplicative of other Phillips Creek Ranch homeowners proffered</li><li>▪ Witness' proposed testimony is irrelevant to Premier's claims or ADT's defenses</li></ul> |
| Ryan Fuchs (will call)       | <ul style="list-style-type: none"><li>▪ Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures</li><li>▪ Witness undisclosed in Premier's applicable discovery responses</li><li>▪ Witness' testimony is duplicative of other Phillips Creek Ranch homeowners proffered</li><li>▪ Witness' proposed testimony is irrelevant to</li></ul>                                    |

Premier's claims or ADT's defenses

- Christopher Robertson (will call)
- Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures
  - Witness undisclosed in Premier's applicable discovery responses
  - Witness' testimony is duplicative of other Phillips Creek Ranch homeowners proffered
  - Witness' proposed testimony is irrelevant to Premier's claims or ADT's defenses
- Andy Yandell (will call)
- Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures
  - Witness undisclosed in Premier's applicable discovery responses
  - Witness' testimony is duplicative of other Phillips Creek Ranch homeowners proffered
  - Witness' proposed testimony is irrelevant to Premier's claims or ADT's defenses
- Jennifer Yandell (will call)
- Scope of witness knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures
  - Witness undisclosed in Premier's applicable discovery responses
  - Witness' testimony is duplicative of other Phillips Creek Ranch homeowners proffered
  - Witness' proposed testimony is irrelevant to Premier's claims or ADT's defenses
- Joe Bruce (will call)
- Scope of witness' knowledge and testimony undisclosed in Premier's Rule 26 Initial Disclosures
  - Witness undisclosed in Premier's applicable discovery responses
  - Witness' testimony is duplicative of other Phillips Creek Ranch homeowners proffered
  - Witness' proposed testimony is irrelevant to Premier's claims or ADT's defenses

**Republic Property Group**

- Patrick Vedra (may call)
- Witness undisclosed in Premier's Rule 26

## Initial Disclosures

### Miscellaneous

Sean O'Keefe (will call)

- Witness undisclosed in Premier's Rule 26 Initial Disclosures
- Witness undisclosed in Premier's applicable discovery responses
- Witness testimony appears to be previously undisclosed expert testimony
- Untimely
- Witness testimony is irrelevant to Premier's claims and/or ADT's defenses

Keith Patterson (will call)

- Witness undisclosed in Premier's Rule 26 Initial Disclosures
- Witness' proposed testimony is irrelevant to Premier's claims or ADT's defenses
- Witness' testimony appears to be previously undisclosed expert testimony
- Untimely
- Witness proposed testimony is unfairly prejudicial

### Expert Witness

Phillip Courtney Hogan, CPA

- Objection to the extent that witness testimony exceeds the scope of permissible claims and damages in light of Court Order Granting ADT's Motion to Strike Supplemental Report [ECF No. 54] and Order Granting in Part ADT's Motion for Summary Judgment [ECF No. 56].

## B. PREMIER'S TRIAL EXHIBITS

No.	Exhibit	ADT's Objections
4.	Index/Summary of Security Monitoring Agreements	<ul style="list-style-type: none"> <li>▪ Exhibit description is impermissibly vague as it does not describe the specific Security Monitoring Agreements Premier intends to include within this index.</li> <li>▪ Premier has failed to produce all Security Monitoring Agreements for which it now appears to seek damages</li> </ul>

and has produced a number of incomplete Security Monitoring Agreements missing pages containing material contract terms. ADT objects to all such Security Monitoring Agreements being included within this index.

5. Security Monitoring Agreements
  - Exhibit description is impermissibly vague as it does not describe the specific Security Monitoring Agreements Premier included.
  - Premier has failed to produce all Security Monitoring Agreements for which it now appears to seek damages. In addition, Premier produced a number of incomplete Security Monitoring Agreements missing pages containing material contract terms. ADT objects to all such Security Monitoring Agreements.
6. Press Release re ADT Acquisition of DevCon
  - Irrelevant
  - FRE 403
7. Non-Circumvention Agreement
  - FRE 408
  - FRE 403
  - Irrelevant
8. Mutual Non-Disclosure and Non-Use Agreement
  - FRE 408
  - FRE 403
  - Irrelevant
18. Demonstrative Agreement – Total Damages
  - Improper foundation
  - Exceeds scope of Court’s ruling in ECF Nos. 54 and 56 regarding permissible claims/damages for trial
  - FRE 403
  - Irrelevant
21. Demonstrative Exhibit – Total Damages – Security Monitoring Damage Calculation
  - Improper foundation
  - Exceeds scope of Court’s ruling in ECF Nos. 54 and 56 regarding permissible claims/damages for trial
  - FRE 403
  - Irrelevant

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|-----|--|---|
| 22. | Demonstrative Exhibit –<br>Calculation of Damages from<br>Lost Contracts | <ul style="list-style-type: none"><li>▪ Improper foundation</li><li>▪ Exceeds scope of Court’s ruling in ECF Nos. 54 and 56 regarding permissible claims/damages for trial</li><li>▪ FRE 403</li><li>▪ Irrelevant</li></ul>                   |
| 23. | Expert Report – Oct 22, 2019   | <ul style="list-style-type: none"><li>▪ Hearsay</li><li>▪ Improper foundation</li><li>▪ Exceeds scope of Court’s ruling in ECF Nos. 54 and 56 regarding permissible claims/damages for trial</li><li>▪ FRE 403</li><li>▪ Irrelevant</li></ul> |
| 24. | Amended Expert Report – Nov. 11, 2019                                    | <ul style="list-style-type: none"><li>▪ Hearsay</li><li>▪ Improper foundation</li><li>▪ Exceeds scope of Court’s ruling in ECF Nos. 54 and 56 regarding permissible claims/damages for trial</li><li>▪ FRE 403</li><li>▪ Irrelevant</li></ul> |
| 25. | Photograph taken June 9, 2020 at<br>1569 Cedar Ranch                     | <ul style="list-style-type: none"><li>▪ Hearsay</li><li>▪ Improper foundation – document not authenticated</li><li>▪ Irrelevant</li><li>▪ Exhibit not produced to ADT during discovery</li></ul>  |
| 30. | Note from customer Elaine<br>Roberts                                     | <ul style="list-style-type: none"><li>▪ Hearsay</li><li>▪ Improper foundation – document not authenticated</li><li>▪ Irrelevant</li></ul>   |
| 31. | Letter from customer Ryan<br>Fuchs                                       | <ul style="list-style-type: none"><li>▪ Hearsay</li><li>▪ Improper foundation – document not authenticated</li><li>▪ Irrelevant</li></ul>   |
| 32  | Letter from customer<br>Christopher Robertson                            | <ul style="list-style-type: none"><li>▪ Hearsay</li><li>▪ Improper foundation – document not authenticated</li><li>▪ Irrelevant</li></ul>   |

- |     |  |   |
|-----|--|---|
| 33. | Letter from customers Any and Jennifer Yandell       | <ul style="list-style-type: none"> <li>▪ Hearsay</li> <li>▪ Improper foundation – document not authenticated</li> <li>▪ Irrelevant</li> </ul>   |
| 34. | Email from customer Joe Bruce                        | <ul style="list-style-type: none"> <li>▪ Hearsay</li> <li>▪ Improper foundation – document not authenticated</li> <li>▪ Irrelevant</li> </ul>   |
| 35. | Declaration of Thomas Pritchard                      | <ul style="list-style-type: none"> <li>▪ Hearsay</li> <li>▪ Improper foundation – document not authenticated</li> <li>▪ Irrelevant</li> </ul>   |
| 36. | Declaration of Elaine Roberts                        | <ul style="list-style-type: none"> <li>▪ Hearsay</li> <li>▪ Improper foundation – document not authenticated</li> <li>▪ Irrelevant</li> </ul>   |
| 37. | Supplemental Expert Report                           | <ul style="list-style-type: none"> <li>▪ Hearsay</li> <li>▪ Report has been stricken by prior Court Order. <i>See</i> Order Granting ADT’s Motion to Strike [ECF No. 54]</li> <li>▪ FRE 403</li> <li>▪ Irrelevant</li> </ul>  |
| 38. | Light Farms Security System Agreement                | <ul style="list-style-type: none"> <li>▪ Damages related to Light Farms have been excluded in light of prior Court orders. <i>See</i> ECF Nos. 54 and 56</li> <li>▪ Exhibit not produced to ADT during discovery</li> <li>▪ FRE 403</li> <li>▪ Irrelevant</li> </ul>  |
| 39. | Light Farms Security Monitoring Agreement – exemplar | <ul style="list-style-type: none"> <li>▪ Damages related to Light Farms have been excluded in light of prior Court orders. <i>See</i> ECF Nos. 54 and 56.</li> <li>▪ Exhibit not produced to ADT during discovery</li> <li>▪ FRE 403</li> <li>▪ Irrelevant</li> </ul> |
| 40. | Demand Letter to Danielle Page                       | <ul style="list-style-type: none"> <li>▪ Damages related to Light Farms have been excluded in light of prior Court orders. <i>See</i> ECF Nos. 54 and 56</li> </ul>   |



- Exhibit not produced to ADT during discovery
- FRE 403
- Irrelevant

Dated December 16, 2020

Respectfully submitted,

By: /s/ Eric S. Boos

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